

IN THE DRAWINGS

Submitted herewith is 1 sheet of replacement drawings. Upon approval of the Examiner, entry of this replacement drawing sheet is respectfully submitted.

REMARKS

Responsive to the outstanding Office Action, applicant has carefully studied the Examiner's rejections and the comments relative thereto. Favorable reconsideration of the application is respectfully requested in light of the amendments and following detailed arguments.

In the amendment, claims 11-26 were canceled and claims 27-38 were newly presented. The subject matter of these newly presented claims corresponds to that of the previously pending claims, and as such, it is submitted that no new matter has been entered into the claims through these amendments.

OBJECTIONS TO THE ABSTRACT

The Examiner objected to the abstract for containing legal phraseology. In response thereto, the abstract currently on file was deleted and a new abstract was substituted therefore. It is believed that this newly presented abstract complies with the formal requirements. Therefore, withdrawal of this objection is respectfully requested.

IN THE DRAWINGS

The Examiner objected to the drawings in that he believed that figure 2 should be indicated as prior art.

In response thereto, a replacement sheet for this figure has been submitted herewith indicating that this figure is prior art.

Entry of the replacement sheet and withdrawal of the Examiner's objection are therefore respectfully requested.

REJECTIONS UNDER 35 USC §112, second paragraph

The Examiner rejected claims 14-20 and 23-26 for indefiniteness. As these claims have been canceled, this rejection is now moot. However, it should be noted that the new claims have been drafted in a manner believed to overcome the Examiner's rejections against the previously pending claims. Specifically, the phrase "and/or" has been avoided, with the phrase "at least one of" generally substituted. The word "total" was removed. It is believed that the rejection previously pending against claim 16 has been overcome by the incorporation of subject matter from previously pending claim 17, defining the structural locations of the inlet and outlet ports. The phrase "especially" has been removed, with lesser included ranges provided in separate dependent claims. Also, it is believed that proper antecedent basis is now provided in the claims.

In view of the above, it is respectfully submitted that each of the Examiner's rejections under 35 USC 112, second paragraph have been addressed.

REJECTIONS UNDER 35 USC §103

Claims 11-26 were rejected under 35 USC 103 as being unpatentable over Tompkins in view of Sprenkle. Again, as claims 11-26 have been canceled the rejections thereagainst are moot, but applicants will discuss these rejections in view of the newly presented claims.

In the newly presented claims, the language regarding the differential pressure means have been removed. The newly presented independent claim has been formulated more precisely in that the features of previously filed claims 16, 17, and art of 20 have been included therein. Thus, the features of claim 17 are now incorporated in claim 27 as features c) and d). Furthermore, newly presented claim 28 includes the subject matter of claim 18. Previously pending claim 19 has been removed. Similar steps have been taken with regard to the remaining dependent claims.

The newly presented independent claim is directed to a gas meter arrangement which comprises a specially designed differential pressure means which is arranged in the gas pipe and a CMOS anemometer, which is aligned in the bypass. It is respectfully submitted that neither of the references cited by the Examiner define a comparable gas meter arrangement nor do they render the claim obvious.

Tomkins discloses in figure 10 a flow meter comprising a device 106 which indicates the difference in pressure between the probes 103 and 104. In column 7, line 60 the device is further specified as a simple pressure gauge or manometer. However, a calibrated flow measurement of a gas flow is not possible with the simple pressure gauges or manometers which are described by this reference. To the contrary, the present invention provides a CMOS anemometer for the gas measurement, which allows a precise measurement of the total flow of gases.

The Sprenkle document does not disclose any matter that goes beyond the Tompkins publication. For example in column 3, lines 32 to 36 the device 26 which is disclosed in figure 1, according to which the differential pressure in the sections upstream and downstream of the orifice plate 14 may be a simple device having a pen

arm 28 movable over a circular time-rotated charge 30 for recording and indicating the magnitude of fluid flow within the conduit 10. However, also these very simple devices cannot meet the current technological standards. Ultimately, no reliable calibration of these measurement devices is possible.

In view of the forgoing, it should be noted that none of the applied references disclose the claimed feature of a CMOS anemometer. The use of a CMOS anemometer offers many advantages over flow meters known from state of the art. CMOS anemometers are known to be very reliable and easy to handle.

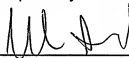
As none of the references alone show this feature, it is respectfully submitted that no reasonable combination of these references can be assumed to show this feature that all of them lack. Therefore, it is respectfully submitted that claim 27 is not obvious in view of the applied references.

Claims 28-38 depend, directly or indirectly, from what is believed to be an allowable claim 27 for the reasons stated above. It is therefore respectfully submitted that these claims are also allowable over the applied art of record.

SUMMARY

In view of the forgoing, the claims, specification and drawings are all believed to be in condition for allowance. Should the Examiner wish to modify the application in any way, applicant's attorney suggests a telephone interview in order to expedite the prosecution of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark A. Hixon', is written over a horizontal line.

Mark A. Hixon
Registration No. 44,766

ATTORNEYS

Marshall & Melhorn, LLC
Four SeaGate - 8th Floor
Toledo, Ohio 43604
(419) 249-7114
(419) 249-7151 Facsimile
Hixon@marshall-melhorn.com